



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER (RESIDENTIAL  
PROPERTY)**

**Case reference** : **BIR/00CR/0AF/2023/0024**

**Property** : **11 Bosworth Close, Woodsetton, Dudley  
DY3 1BJ**

**Applicant** : **Alan Leslie Round and Susan Round**

**Respondent** : **Persons Unknown**

**Representative** : **Not applicable (missing landlord)**

**Type of application** : **Application under sections 21(1) and  
27(5) of the Leasehold Reform Act 1967  
("the 1967 Act")**

**Tribunal members** : **Ian B Holdsworth FRICS  
Vernon Ward FRICS**

**Venue** : **Remote**

**Date of paper  
determination** : **16 February 2024**

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**DECISION**

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**Decision of the Tribunal**

- (1) The tribunal determines that the price to be paid by the applicant for the purchase of the freehold on statutory terms is **£2,180**.

## **The Background**

1. This is an application under section 21 (1) (a) of the 1967 Act pursuant to an order made by Deputy District Judge Edden sitting at the County Court at Dudley on 17 October 2023 (“**the order**”).
2. Sections 21(1) and 27(5) of the 1967 Act concerns claims for the purchase of the reversionary freehold interest where the relevant landlord cannot be found. It enables the court to make a vesting order in respect of any interests of the landlord which are liable to acquisition.
3. Under section 27(5)(a) of the 1967 Act, the role of the tribunal is to determine the appropriate sum to be paid into court in respect of the landlord’s interests. This to be done in accordance with section 9 of the 1967 Act.
4. The applicants in this matter are Alan Leslie Round and Susan Round. They are the qualifying tenants of 11 Bosworth Close, Woodsetton, Dudley DY3 1BJ (“**the Property**”) with a long tenancy within the meaning of section 3(1) of the 1967 Act. The respondent freehold owners are the successors in title to Mr William Taylor and Mrs Mary Taylor.
5. On 22 August 2023 following an Application to Court on 16 August 2023, a Part 8 Claim was issued at Dudley County Court for an order pursuant to section 21(1) of the 1967 Act seeking the freehold of the Property.
6. The applicant has been unable to ascertain the whereabouts of the respondents. The applicant subsequently applied for a vesting order under section 27(1) of the 1967 Act. The vesting order was granted subject to the determination of this tribunal.
7. The applicant has provided the tribunal with a valuation report prepared by Mr Geoffrey R Bates BA FRICS, a Consultant Chartered Surveyor acting on behalf of Adcocks Solicitors dated 24 October 2023.
8. Mr Bates is of the view that the premium to be paid for the freehold is £1,800 as at the valuation date adopted of 16 August 2023.

## **The Determination**

9. After scrutiny the tribunal accepts the opinions expressed by Mr G R Bates in his valuation report dated 24 October 2023 save that:
  - (i) The Expert has allocated 32.5% of the Entirety Value to the site value. The tribunal has reviewed the site size, shape and location of the property site. It has had regard for the large corner plot the property occupies which is significantly larger than the neighbouring properties

and the sites of the comparable property transactions submitted by the expert. The tribunal has had regard for the guidance offered in Upper Tribunal decision *Sabah El-Gadhy, Zara El-Gadhy v Liverpool City Council (LRA/78/2015)* on the appropriate percentage of the entirety value attributable to the site. It has deemed 40% of the Entirety Value should be adopted as the apportioned site value.

- (ii) The Expert has calculated a reversion to freehold at 68.5 years under the current lease but after careful review of the submitted documents the tribunal has identified the reversion to be slightly longer at 68.67 years. This minor change to reversion length is used in the tribunal valuation.
- 10. An adjusted calculation that adopts the revised parameter listed above at (i)–(ii) results in a freehold purchase premium of **£2,180**. A copy of the tribunal’s valuation is attached to this decision.
- 11. Accordingly, the tribunal determines that the premium to be paid in respect of the purchase of the freehold of the property is **£2,180**.
- 12. This matter should now be returned to the County Court sitting at Dudley under **Claim Number KoDD487** in order for the final procedures to take place.

Ian B Holdsworth Valuer Chairman

## Appendix A : Premium Valuation

<b>Property:</b>		<b>11 Bosworth Close, Woodsetton, Dudley DY3 1BJ</b>	
<b>Lease Data</b>			
Lease commencement date:	28/04/1712		
Lease Expiry date:	27/04/2092		
Length of Term:	380	Years	
Valuation date	16/08/2023		
Unexpired term as at valuation date:	68.70	Years	
<b>Rent receivable by landlord :</b>			
Payable from valuation date for 68.7 years	£	-	
<b>Rates:</b>			
Capitalisation rate (%)	7.00		
Deferment rate (%)	5.25		
Decapitalisation rate (%)	5.25		
<b>Values</b>			
Entirety Value	£	164,000	
Standing House Value	£	164,000	
<b>Term 1</b>			
Ground rent payable	£	-	
YP @ 68.7 years @ 7%	14.14887	£	-
<b>Total term value</b>			£ -
<b>First Reversion</b>			
Section 15 Ground Rent			
Entirety value		£	164,000
Site apportionment at 40% of Entirety value	40.0%	£	65,600
Decapitalisation rate at 5.25%	5.25%	£	3,444
YP @ 50 years @ 5.25%	17.57281		
Deferred @ 68.7 years @ 5.25%	0.02974		
Years Purchase	0.5226		
<b>First Reversion value</b>			£ 1,800
<b>Standing House Value in current condition</b>			
Deferred @ 118.7 years @ 5.25%	0.0023		
Second reversion value		£	378 £ 378
<b>Freehold Purchase Premium</b>			<b>£ 2,178</b>

## **RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional Office within 28-days after the Tribunal sends written reasons for the Decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie, give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.